



OE-xxx
**REFINERY DISRUPTION AND INCIDENT REPORT
INSTRUCTIONS**

QUESTIONS

If you have any questions about Form OE-xxx after reading the instructions, please contact the Form Manager at (202) 586-1178.

PURPOSE

The Department of Energy (DOE), under its relevant authorities, has established mandatory reporting requirements for emergency refinery disruptions and incidents. The Office of Electricity Delivery and Energy Reliability (OE) Form OE-xxx, "REFINERY DISRUPTION AND INCIDENT REPORT," is used to collect data on emergency refinery disruptions and incidents. DOE collects this information from refineries on Form OE-xxx to meet its overall national security and Federal Emergency Management Agency's National Response Framework responsibilities. DOE requires the data on this form to brief policymakers on the current status regarding emergency situations at U.S. refineries. The data also may be used to develop legislative recommendations, reports to the Congress and as a basis for DOE investigations following severe, prolonged, or repeated refinery reliability problems.

WHO MUST SUBMIT

When an emergency filing condition is met at a petroleum refinery, Form OE-xxx is mandatory pursuant to Section 13(b) of the Federal Energy Administration Act of 1974 (Public Law 93-275) and must be completed by the operator of the refinery, if:

- 1) it has an atmospheric crude distillation capacity of at least 50,000 barrels per day;
- 2) it produces transportation fuels (gasoline, distillate, and jet fuel) or heating oil; and
- 3) it is located in the 50 States, District of Columbia, Puerto Rico, the Virgin Islands, Guam or other U.S. possessions.

WHEN TO SUBMIT

Form OE-xxx is considered an emergency form and is only filed when at least one of the following conditions (on Line 8) is met.

Conditions:

- A) Emergency shutdown of the refinery;
- B) Emergency shutdown of a major unit, process, or system at the refinery with potential for significant production disruption.
- C) C. Physical or cyber attack that causes major interruptions or impacts to critical facilities, systems, or operations.

The initial submission of the form is due within one hour of determining that one of the conditions (A, B, and/or C) has been met. This initial filing is called the Emergency Alert Notice and is described below.

Timing:

Within One Hour: A form must be submitted within one hour of determining at least one of the conditions for filing has occurred. This filing is considered the Emergency Alert (Reporting Status). If there is no (estimated) loss of production of transportation fuels or heating oil from the incident, then no additional forms are required to be submitted for this incident.

Within Six Hours: A resubmission of the form is required within six hours of determining at least one of the conditions for filing has occurred if there is an estimated loss of production of transportation fuels or heating oil from the incident. This filing is a Status Report (Reporting Status).

Between Six Hours and 72 Hours: Re-submit the form (as an additional Status report) if significant changes in the status occurs (after submission of a Status Report, but before submission of the Final Report. Additional Status Reports, filed after the first Status Report, are encouraged but are optional.

At 72 Hours: A resubmission of the form is required 72 hours after determining at least one of the conditions for filing has occurred, if there is or is estimated to be a loss of production of transportation fuels or heating oil from the incident. In other words, if a Status Report has been filed, at 72 hours a Final Report is required.

HOW TO SUBMIT

Instructions on how to report via e-mail, facsimile, or telephone are printed on Schedule 1 of Form OE-xxx.

E-mail: Submit your form via e-mail as an attachment to doehgeoc@hq.doe.gov. This is the preferred delivery method.

Fax: You may fax the form to the following facsimile number. 202-586-8485. Please use this method only if e-mail is not available.)

Telephone: If you are unable to e-mail or fax the form, please call and report the information to the following telephone number: (202) 586-8100.

COPIES OF SURVEY FORMS AND INSTRUCTIONS

Copies in portable document format (PDF) and word format (DOC) are available on One's website. You may access the materials by following the steps:

- Go to OE's website at www.oe.netl.doe.gov
- Click on *Refinery Disruption and Incident Report*

- Click on the hypertext link for the Form or for the Instructions.

General Instructions

[Definitions](#) of petroleum products and other terms are available on the EIA website. Refer to the above for details on accessing the EIA website. Please refer to these definitions before completing the survey form.

Emergency Alert:

- The Form must be filed within one hour of determining at least one of the conditions for filing has been met
- On the Reporting Status line, near the top of Schedule 1, check the Emergency Alert box to show this is the initial submission for this incident.
- Completely fill out all parts of Schedule 1, lines 1-9.
- Near the top of Schedule 2, check the Emergency Alert Notice box to show this is the initial submission for this incident.
- Complete lines 10-14 and 17 of Schedule 2.
- Complete lines 15, 16, 18, and 19 if possible.
- Submit form (both Schedule 1 and Schedule 2)
- Note if the response to line 17 is no, then no additional filings are required.

Status Report

The Form must be re-filed within six hours of determining at least one of the conditions for filing has been met, if the respondent answered Yes on Line 17 of Schedule 2 of the form on the initial filing of the form, that is if the respondent estimated that the incident has or will result in the loss of production of transportation fuels or heating oil.

- At the top of Schedule 1, check the Status Report box.
- Update all answers on Schedule 1, lines 1-9.
- If there are changes on any of the lines 1-9, check the Yes box on the "Changes" line, just below the Reporting Status line. If there were no changes, then check the No box on the "Changes" line.
- Go to Schedule 2. At the top of Schedule 2, Check Status Report
- Fill in or update all information on lines 10-19.
- If there are changes on any of the lines 10-19 from the last submission for this incident, check the Yes box on the "Changes" line, just below the Reporting Status line. If there were no changes, then check the No box on the "Changes" line
- Re-submit the form (both Schedule 1 and Schedule 2). Additional Status Reports are encouraged, if significant changes in the situation occur, but they are not required.

Final Report

The Form must be re-filed 72 hours after determining at least one of the conditions for filing has been met, if the respondent answered yes on Line 17 of Schedule 2 of the form on the initial filing of the form, that is if the respondent estimated that the incident has or will result in the loss of production of transportation fuels or heating oil.

- At the top of Schedule 1, Check Final Report.
- Update all answers on Schedule 1, lines 1-9.
- If there are changes on any of the lines 1-9, check the Yes box on the "Changes" line, just below the Reporting Status line. If there were no changes, then check the No box on the "Changes" line.
- Go to Schedule 2. At the top of Schedule 2, Check Final Report
- Fill in or update all information on lines 10-19.
- If there are changes on any of the lines 10-19 from the last submission for this incident, check the Yes box on the "Changes" line, just below the Reporting Status line. If there were no changes, then check the No box on the "Changes" line.
- Re-submit the form (both Schedule 1 and Schedule 2)

No additional filings are required concerning this incident after the Final Report has been submitted. OE may make follow up telephone calls to the refinery after the Final Report is submitted if necessary.

SPECIFIC INSTRUCTIONS

SCHEDULE 1 -- ALERT NOTICE

Schedule 1 must be filled out completely or updated with each submission and re-submission of the form -- whether it is the Emergency Alert Notice filing, a Status Report filing, or the Final Report filing.

Reporting Status (above line 1)

Check the Emergency Alert box if this is the initial filing for this incident. Check the Status Report box if this is a follow up filing for this incident, but it is not the Final Report. Check the Final Report box if this is the Final Report.

Changes (just below Reporting Status line)

If this is the Emergency Alert filing for this incident, skip this line. If this is a Status Report or Final Report, review and update information on lines 1-9 first. If there are changes on any of the lines 1-9, check the Yes box. If there were no changes, then check the No box.

1. Organization Name

Enter name of the reporting company.

2. Address of Principal Business Office

Enter Address of Principal Business Office of the reporting company.

3. Refinery Geographic Location

Enter name of City where refinery is located in City box and name of State where refinery is located in State box.

4. EIA Refinery ID

Enter the Refinery ID issued by the Energy Information Administration (EIA) and used when filing EIA survey forms such as EIA-810.

5. Date/Time Disruption or Incident Began

Enter the date and time, including hours and minutes when the incident began or an estimate of when it began.

6. Is the Disruption or Incident Still Ongoing?

Check "Yes" if it is still ongoing and "No" if the event that caused the disruption or incident is over. If the incident has ended, even though restoration and repairs are underway and may take some time, the correct response is to check **No**.

7. Date/Time Disruption or Incident Ended

Enter the date and time that the disturbance or incident ended.

8. CONDITIONS FOR FILING DISRUPTION AND INCIDENT DATA

An OE-xxx form must be filed within one hour [by a refinery with capacity of 50,000 barrels/per day or more that produces transportation fuels (gasoline, distillate, and jet fuel) or heating oil and is located in the 50 States and U.S. territories], **if any one of the following three conditions is met:**

A. Emergency shutdown of the refinery;

B. Emergency shutdown of a major unit, process, or system at the refinery with potential for significant production disruption.]

C. Physical or cyber attack that causes major interruptions or impacts to critical facilities, systems, or operations.

Condition A:

An emergency shutdown includes the start of an orderly shutdown of the refinery in the advance of an anticipated event, such as a hurricane. **The shutdown of the refinery for planned or scheduled turnarounds should not be reported.**

Condition B:

A form must be filed whenever:

- 1) Any unit, process, or system shuts that could result in the reduction of the production of transportation fuels or heating oil at the refinery; or
- 2) Any unit, process, or system visibly (to the public) explodes, catches on fire, or loses containment.
 - a) If there is no impact on production of transportation fuels or heating oil, the form only needs to be filed once as an Emergency Alert, within one hour of determining Condition B was met. No status reports or final reports are required.
 - b) If it is estimated that there is a production loss of transportation fuels or heating oil, then file the form as an Emergency Alert within one hour of determining Condition B was met; submit a Status Report within six hours; and submit a Final Report 72 hours after determining Condition B was met..

Air emissions and/or flaring should not by themselves result in a filing of a disruption and incident form under Condition B.

Examples of major units include atmospheric distillation, catalytic cracking units, catalytic reformers, hydrocrackers, cokers; Examples of processes included hydrotreating, hydrogen production, and sulfur recovery;

Examples of systems include power, water, and controls including SCADA.

Condition C:

The form must be filed whenever:

- 1) Any physical or cyber attack causes major interruptions or impacts to critical facilities, systems, or operations;
- 2) Any physical or cyber attack results in an interruption in the production of transportation fuels or heating oil; and
- 3) Any physical or cyber attack successfully circumvents a major security system, unless the attack is simply vandalism. The breech of a fence, the cutting of a lock, the disabling of a security camera, and graffiti do not by themselves constitute a requirement for filing a form. Routine and unsuccessful cyber attacks also do not require filing of a form at this time. Only attacks that successfully compromise critical facilities, systems or operations are reportable. DOE may change this threshold, and may require reports on major unsuccessful attacks in the future, if it appears that probing attacks are on the rise and may indicate plans for significant future attacks on U.S. refineries. DOE will immediately inform all potential respondents, if there are any changes to reporting requirements or security thresholds for filing. .

If the physical or cyber attack resulted in no estimated loss of production of transportation fuels or heating oil, only one filing of the form is required, and that is required within one hour of determining that Condition C has been met. Although not required, OE encourages the respondent to briefly explain (in the Narrative in Schedule 2) what security system or systems was/were successfully compromised by the attack.

9. Type of Disruption or Incident

Several possible types of disruptions or incidents are listed on Schedule 1 (line 9). Check all boxes of known or suspected types that may apply. If you are unable to classify the incident at the time of the report, check the "Other" box and specify "Assessment in Progress."

SCHEDULE 2 --REFINERY UNIT STATUS & NARRATIVE DESCRIPTION

A Schedule 2 must be filed with the initial submission (Emergency Alert Notice) and with each re-submission (with the Status Report, any additional status reports and with the Final Report).

Lines 10-14 and 17 must be filled out on the initial submission of Schedule 2, within one hour of determining that at least one of Conditions A-C has been met. (OE encourages the respondent to fill out as much as they can on Schedule 2 for the initial submission of the form.). All of Schedule 2 must be filled out or updated with every Status Report and Final Report filed. If there is no estimated loss of production of transportation fuels or heating oil from the incident, no Status Report and no Final Report is required.

Reporting Status (above Line 10)

Check the Emergency Alert box if this is the initial filing for this incident. Check the Status Report box if this is a follow up filing for this incident, but it is not the Final Report. Check the Final Report box if this is the Final Report for this incident.

Changes (just below Reporting Status line)

If this is the Emergency Alert filing for this incident, skip this line. If this is a Status Report or the Final Report, review and

update information on lines 10-19 to determine if changes have occurred since the previous filing. If changes have taken place, check the Yes box on the "Changes" line. If there were no changes, then check the No box.

10. Name

Enter the name of the person to contact if OE needs to follow up.

11. Title

Enter the contact person's Title.

12. Telephone Number

Enter the contact person's telephone number.

13. FAX Number

Enter the contact person's FAX number.

14. E-mail Address

Enter the contact person's E-mail address.

15. Actions Taken

A number of possible actions taken to respond to the disruption or incident are listed on the form. Check all boxes that apply and describe in the narrative any actions taken which are not listed. If there is no estimated loss of production of transportation fuels or heating oil from this incident, then filling out line 15 is optional.

16. Units or Processes Affected By Disruption or Incident

List units, processes, or systems components that shut down, failed or are reduced/ impacted due to the incident and explain the status of the unit, process, or component. For example, indicate whether the unit is shut, operating at reduced runs, damaged, etc. If there is no estimated loss of production of transportation fuels or heating oil from this incident, then completing line 16 is optional

17. Estimated Loss of Production of Transportation Fuels or Heating Oil

Check the Yes box if there is an estimated or actual loss of production of transportation fuels or heating oil from the incident. Then fill out line 18 showing that estimate. Check the No box if there is no estimated loss of production of transportation fuels or heating oil from the incident. If No is checked, skip line 18 and fill out line 19.

18. Production Units Affected by Disruption or Incident

Enter the estimated amount of production that will be lost in b/d for each of the products listed in line 17. If there is no impact on the production of transportation fuels or heating oil, then skip this line and fill out line 19.

19. Narrative

The information provided should include details of the incident that caused the refinery to reduce runs or shutdown and any additional information pertaining to supply impacts, feedstock deficiencies, storage issues or distribution problems that could impact either deliveries to or shipments from the refinery including pipeline, waterborne transport, railroad, or truck loading issues. Provide details of any unit, process, system or critical component failures. Use additional sheets if necessary.

PROVISIONS REGARDING CONFIDENTIALITY OF INFORMATION

All information on Schedule 2 of the form will be protected and will not be disclosed to the public to the extent that it satisfies the criteria for exemption under the Freedom of Information Act (FOIA), 5 U.S.C. §552, the DOE regulations, 10 C.F.R. §1004.11, implementing the FOIA, and the Trade Secrets Act, 18 U.S.C. §1905. The DOE will protect the information in accordance with its confidentiality and security policies and procedures. The Federal Energy Administration Act requires the DOE to provide company-specific protected data to other Federal agencies when requested for official use. The information reported on this form may also be made available, upon request, to another component of DOE; to any Committee of Congress, the General Accounting Office, or other Federal agencies authorized by law to receive such information. A court of competent jurisdiction may obtain this information in response to an order.

The data collected on Form OE-xxx, Refinery Disruption and Incident Report will be used by DOE to meet its overall national security and Federal Emergency Management Agency's National Response Framework responsibilities.

SANCTIONS

The timely submission of Form OE-xxx by those required to report is mandatory under Section 13(b) of the Federal Energy Administration Act of 1974 (Public Law 93-275), as amended. Failure to respond may result in a civil penalty of not more than \$2,750 each day for each violation, or a fine of not more than \$5,000 for each willful violation. The government may bring a civil action to prohibit reporting violations which may result in a temporary restraining order or a preliminary or permanent injunction without bond. In such civil action, the court may also issue mandatory injunctions commanding any person to comply with these reporting requirements.

FILING FORMS WITH THE FEDERAL GOVERNMENT AND ESTIMATED REPORTING BURDEN

Respondents are not required to file or reply to any Federal collection of information unless it has a valid OMB control number. Public reporting burden for this collection of information is estimated to average 5 to 6 minutes if there is no estimated loss of production of transportation fuels or heating oil. The public reporting burden for this collection of information is estimated to be 1 hour and 5 minutes, if there is an estimated loss of production of transportation fuels or heating oil. This includes time for reviewing the form and instructions, gathering information, and submitting the form during an emergency situation. Send comments regarding this burden estimate or any other aspect of this collection of information including suggestions for reducing this burden to: Office of Electricity Delivery and Energy Reliability, OE-30, Infrastructure Security and Energy Restoration Division, 1000 Independence Avenue, S.W., Washington, D.C. 20585; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503.